

State of Hawaii
Department of Human Services
Benefit, Employment and Support Services Division
Employment and Child Care Program Office

Request for Proposals

**RFP No. HMS 903-08-11-S
Parenting Skills and Resource
Management Training**

March 3, 2008

Note: If this RFP was downloaded from the State Procurement Office RFP Website each applicant must provide contact information to the RFP contact person for this RFP to be notified of any changes. For your convenience, you may download the [RFP Interest form](#), complete and e-mail or mail to the RFP contact person. The State shall not be responsible for any missing addenda, attachments or other information regarding the RFP if a proposal is submitted from an incomplete RFP.

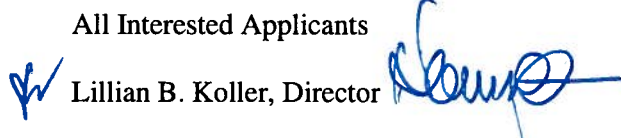


STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P.O. Box 339
Honolulu, Hawaii 96890-0339

March 3, 2008

MEMORANDUM

TO: All Interested Applicants

FROM:  Lillian B. Koller, Director

SUBJECT: REQUEST FOR PROPOSALS (RFP) HMS 903-08-11-S "Parenting Skills and Resource Management Training"

The Department is seeking to purchase the service listed above and further described in the attached RFP. The RFP provides information to assist applicants in the preparation of program plans and budget, including:

1. A description of the service sought;
2. Special requirements to be met by the provider;
3. The criteria by which qualifying proposals shall be reviewed/rated; and
4. The criteria for monitoring and evaluating the contract.

The RFP should be reviewed very closely as all parts of the RFP must be addressed. Informational meetings are scheduled for 9:00 A.M. to 11:00 A.M. on Friday, March 14, 2008 at the Haseko Center, 820 Mililani Street, Suite 606, Honolulu, HI 96813. For more information, please call Kim Arista at 586-7090. The Department's Program staff will be present at this session to review the RFP requirements and informally address questions you may have. In order for the proposals to be considered, all applicants are required to submit:

1. One (1) original and three (3) copies of the proposal, delivered to DHS, BESSD, Employment and Child Care Office (ECCPO), at 820 Mililani Street, Haseko Center, Suite 606, Honolulu, HI 96813.
2. Proposals shall be hand-delivered (including courier mail) by 4:30 P.M. Friday, April 18, 2008, to the DHS, BESSD, Employment and Child Care Office (ECCPO), at 820 Mililani Street, Haseko Center, Suite 606, Honolulu, HI 96813. ALL MAIL-INS POSTMARKED AFTER 12:00 MIDNIGHT, April 18, 2008, WILL NOT BE ACCEPTED FOR REVIEW AND WILL BE RETURNED.

Proposal and materials not requested by the department or submitted after the deadline will not be accepted for consideration.

Attachments

PROPOSAL MAIL-IN AND DELIVERY INFORMATION SHEET

NUMBER OF COPIES TO BE SUBMITTED:
--

ALL MAIL-INS SHALL BE POSTMARKED BY THE UNITED STATES POSTAL SERVICE (USPS) NO LATER THAN **April 18, 2008** and received by the state purchasing agency no later than 10 days from the submittal deadline.

All Mail-ins

Department of Human Services
Benefit, Employment and Support
Services Division
820 Mililani Street, Suite 606
Honolulu, Hawaii 96813

DHS RFP COORDINATOR

Kimberly Arista
For further info. or inquiries

Phone: 586-7090
Fax: 586-5744

ALL HAND DELIVERIES SHALL BE ACCEPTED AT THE FOLLOWING SITES UNTIL **4:30 P.M., Hawaii Standard Time (HST), April 18, 2008**. Deliveries by private mail services such as FEDEX shall be considered hand deliveries. Hand deliveries shall not be accepted if received after 4:30 p.m., April 18, 2008.

Drop-off Sites

Oahu:

Department of Human Services
Benefit, Employment and Support Services
Division
820 Mililani Street, Suite 606
Honolulu, Hawaii 96813

Maui:

East Hawaii:

Kauai:

West Hawaii:

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Section 1

Administrative Overview

Section 1

Administrative Overview

Applicants are encouraged to read each section of the RFP thoroughly. While sections such as the administrative overview may appear similar among RFPs, state purchasing agencies may add additional information as applicable. It is the responsibility of the applicant to understand the requirements of *each* RFP.

I. Procurement Timetable

Note that the procurement timetable represents the State's best estimated schedule. Contract start dates may be subject to the issuance of a notice to proceed.

Activity	Scheduled Date
Public notice announcing RFP	3/3/08
Distribution of RFP	3/3/08
RFP orientation session	3/14/08
Closing date for submission of written questions for written responses	3/20/08
State purchasing agency's response to applicants' written questions	4/02/08
Discussions with applicant prior to proposal submittal deadline (optional)	Week of 4/7-4/11
Proposal submittal deadline	4/18/08
Discussions with applicant after proposal submittal deadline (optional)	N/A
Final revised proposals (optional)	N/A
Proposal evaluation period	4/28-5/2/08
Provider selection	5/5/08
Notice of statement of findings and decision	5/5/08
Contract start date	7/1/08

II. Website Reference

The State Procurement Office (SPO) website is www.spo.hawaii.gov

For	Click
1 Procurement of Health and Human Services	"Health and Human Services, Chapter 103F, HRS..."
2 RFP website	"Health and Human Services, Ch. 103F..." and "RFPs"
3 Hawaii Administrative Rules (HAR) for Procurement of Health and Human Services	"Statutes and Rules" and "Procurement of Health and Human Services"
4 Forms	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Forms"
5 Cost Principles	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Cost Principles"
6 Standard Contract -General Conditions	"Health and Human Services, Ch. 103F..." "For Private Providers" and "Contract Template – General Conditions"
7 Protest Forms/Procedures	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Protests"

Non-SPO websites

(Please note: website addresses may change from time to time. If a link is not active, try the State of Hawaii website at www.hawaii.gov)

For	Go to
8 Tax Clearance Forms (Department of Taxation Website)	http://www.hawaii.gov/tax/ click "Forms"
9 Wages and Labor Law Compliance, Section 103-055, HRS, (Hawaii State Legislature website)	http://www.capitol.hawaii.gov/ click "Bill Status and Documents" and "Browse the HRS Sections."
10 Department of Commerce and Consumer Affairs, Business Registration	http://www.hawaii.gov/dcca click "Business Registration"
11 Campaign Spending Commission	www.hawaii.gov/campaign

III. Authority

This RFP is issued under the provisions of the Hawaii Revised Statutes (HRS), Chapter 103F and its administrative rules. All prospective applicants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed proposal by any prospective applicant shall constitute admission of such knowledge on the part of such prospective applicant.

IV. RFP Organization

This RFP is organized into five sections:

Section 1, Administrative Overview--Provides applicants with an overview of the procurement process.

Section 2, Service Specifications--Provides applicants with a general description of the tasks to be performed, delineates applicant responsibilities, and defines deliverables (as applicable).

Section 3, Proposal Application Instructions--Describes the required format and content for the proposal application.

Section 4, Proposal Evaluation--Describes how proposals will be evaluated by the state purchasing agency.

Section 5, Attachments --Provides applicants with information and forms necessary to complete the application.

V. Contracting Office

The Contracting Office is responsible for overseeing the contract(s) resulting from this RFP, including system operations, fiscal agent operations, and monitoring and assessing provider performance. The Contracting Office is:

Department of	Benefit, Employment and Support Services Division
Human Services	Employment and Child Care Program Office

Phone (808)	<u>586-0975</u>	Fax: (808)	<u>586-5744</u>
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VI. Orientation

An orientation for applicants in reference to the request for proposals will be held as follows:

Date:	<u>3/14/08</u>	Time:	<u>9:00 a.m.-11:00 a.m.</u>
Location:	<u>820 Mililani Street, Conference Rm. 2, Honolulu, HI 96813</u>		

Applicants are encouraged to submit written questions prior to the orientation. Impromptu questions will be permitted at the orientation and spontaneous answers provided at the state purchasing agency's discretion. However, answers provided at the orientation are only intended as general direction and may not represent the state purchasing agency's position. Formal official responses will be provided in writing. To ensure a written response, any oral questions should be submitted in writing following the close of the orientation, but no later than the submittal deadline for written questions indicated in the next paragraph (VII. Submission of Questions).

VII. Submission of Questions

Applicants may submit questions to the RFP Contact Person identified in Section 2 of this RFP. All written questions will receive a written response from the state purchasing agency.

Deadline for submission of written questions:

Date: 3/20/08 **Time:** 4:30 p.m. HST

State agency responses to applicant written questions will be provided by:

Date: 4/2/08

VIII. Submission of Proposals

A. Forms/Formats - Forms, with the exception of program specific requirements, may be found on the State Procurement Office website (See page 1-2, Websites Referred to in this RFP. Refer to the Proposal Application Checklist for the location of program specific forms.

1. **Proposal Application Identification (Form SPO-H-200)** - Provides identification of the proposal.
2. **Proposal Application Checklist** – Provides applicants with information on where to obtain the required forms; information on program specific requirements; which forms are required and the order in which all components should be assembled and submitted to the state purchasing agency.
3. **Table of Contents** - A sample table of contents for proposals is located in Section 5, Attachments. This is a sample and meant as a guide. The table of contents may vary depending on the RFP.
4. **Proposal Application (Form SPO-H-200A)** - Applicant shall submit comprehensive narratives that addresses all of the issues contained in the Proposal Application Instructions, including a cost proposal/budget if required. (Refer to Section 3 of this RFP.)
5. **Tax Clearance** – A certified copy of a current valid tax clearance certificate issued by the State of Hawaii, Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) will be required either at the time of proposal submittal or upon notice of award at the discretion of the purchasing agency.

Refer to Section 4, subparagraph III.A.1, Administrative Requirements, and the Proposal Application Checklist (located

in Section 5) to determine whether the tax clearance is required at time of proposal submittal for this RFP. Tax clearance application may be obtained from the Department of Taxation website. (See paragraph II, Website Reference.)

- B. Program Specific Requirements** - Additional program specific requirements are included in Sections 2 and/or 3, Service Specifications and the Proposal Application Instructions, as applicable. If Federal and/or State certifications are required, they are listed on the Proposal Application Checklist located in Section 5.
- C. Multiple or Alternate Proposals** - Multiple or alternate proposals shall not be accepted unless specifically provided for in Section 2 of this RFP. In the event alternate proposals are not accepted and an applicant submits alternate proposals, but clearly indicates a primary proposal, it shall be considered for award as though it were the only proposal submitted by the applicant.
- D. Wages and Labor Law Compliance** - Before a provider enters into a service contract in excess of \$25,000, the provider shall certify that it complies with section 103-55, HRS, Wages, hours, and working conditions of employees of contractors performing services. Section 103-55, HRS may be obtained from the Hawaii State Legislature website. (See paragraph II, Website Reference.)
- E. Compliance with all Applicable State Business and Employment Laws.** All providers shall comply with all laws governing entities doing business in the State. Prior to contracting, owners of all forms of business doing business in the state except sole proprietorships, charitable organizations unincorporated associations and foreign insurance companies be register and in good standing with the Department of Commerce and Consumer Affairs (DCCA), Business Registration Division. Foreign insurance companies must register with DCCA, Insurance Division. More information is on the DCCA website. (See paragraph II, Website Reference.)
- F. Campaign Contributions by State and County Contractors.** Contractors are hereby notified of the applicability of Section 11-205.5, HRS, which states that campaign contributions are prohibited from specified State or county government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body. For more information, Act 203/2005 FAQs are available at the Campaign Spending Commission webpage. (See paragraph II, Website Reference.)

- G. Confidential Information** – If an applicant believes any portion of a proposal contains information that should be withheld as confidential, the applicant shall request in writing nondisclosure of designated proprietary data to be confidential and provide justification to support confidentiality. Such data shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections of the proposal.

Note that price is not considered confidential and will not be withheld.

- H. Proposal Submittal** – All mail-ins shall be postmarked by the United States Postal System (USPS) and received by the State purchasing agency no later than the submittal deadline indicated on the attached Proposal Mail-in and Delivery Information Sheet. All hand deliveries shall be received by the State purchasing agency by the date and time designated on the Proposal Mail-In and Delivery Information Sheet. Proposals shall be rejected when:

- Postmarked after the designated date; or
- Postmarked by the designated date but not received within 10 days from the submittal deadline; or
- If hand delivered, received after the designated date and time.

The number of copies required is located on the Proposal Mail-In and Delivery Information Sheet. Deliveries by private mail services such as FEDEX shall be considered hand deliveries and shall be rejected if received after the submittal deadline. Dated USPS shipping labels are not considered postmarks. Faxed proposals and/or submission of proposals on diskette/CD or transmission by e-mail, website or other electronic means are not permitted.

IX. Discussions with Applicants

- A. Prior to Submittal Deadline.** Discussions may be conducted with potential applicants to promote understanding of the purchasing agency's requirements.
- B. After Proposal Submittal Deadline** - Discussions may be conducted with applicants whose proposals are determined to be reasonably susceptible of being selected for award, but proposals may be accepted without discussions, in accordance section 3-143-403, HAR.

X. Opening of Proposals

Upon receipt of proposal by a state purchasing agency at a designated location, proposals, modifications to proposals, and withdrawals of proposals

shall be date-stamped, and when possible, time-stamped. All documents so received shall be held in a secure place by the state purchasing agency and not examined for evaluation purposes until the submittal deadline.

Procurement files shall be open to public inspection after a contract has been awarded and executed by all parties.

XI. Additional Materials and Documentation

Upon request from the state purchasing agency, each applicant shall submit any additional materials and documentation reasonably required by the state purchasing agency in its evaluation of the proposals.

XII. RFP Amendments

The State reserves the right to amend this RFP at any time prior to the closing date for the final revised proposals.

XIII. Final Revised Proposals

If requested, final revised proposals shall be submitted in the manner, and by the date and time specified by the state purchasing agency. If a final revised proposal is not submitted, the previous submittal shall be construed as the applicant's best and final offer/proposal. *The applicant shall submit **only** the section(s) of the proposal that are amended, along with the Proposal Application Identification Form (SPO-H-200).* After final revised proposals are received, final evaluations will be conducted for an award.

XIV. Cancellation of Request for Proposal

The request for proposal may be canceled and any or all proposals may be rejected in whole or in part, when it is determined to be in the best interests of the State.

XV. Costs for Proposal Preparation

Any costs incurred by applicants in preparing or submitting a proposal are the applicants' sole responsibility.

XVI. Provider Participation in Planning

Provider participation in a state purchasing agency's efforts to plan for or to purchase health and human services prior to the state purchasing agency's release of a request for proposals, including the sharing of information on community needs, best practices, and providers' resources, shall not disqualify providers from submitting proposals if conducted in accordance with sections

3-142-202 and 3-142-203 of the Hawaii Administrative Rules for Chapter 103F, HRS.

XVII. Rejection of Proposals

The State reserves the right to consider as acceptable only those proposals submitted in accordance with all requirements set forth in this RFP and which demonstrate an understanding of the problems involved and comply with the service specifications. Any proposal offering any other set of terms and conditions contradictory to those included in this RFP may be rejected without further notice.

A proposal may be automatically rejected for any one or more of the following reasons: (Relevant sections of the Hawaii Administrative Rules for Chapter 103F, HRS, are parenthesized)

- (1) Rejection for failure to cooperate or deal in good faith. (Section 3-141-201, HAR)
- (2) Rejection for inadequate accounting system. (Section 3-141-202, HAR)
- (3) Late proposals (Section 3-143-603, HAR)
- (4) Inadequate response to request for proposals (Section 3-143-609, HAR)
- (5) Proposal not responsive (Section 3-143-610(a)(1), HAR)
- (6) Applicant not responsible (Section 3-143-610(a)(2), HAR)

XVIII. Notice of Award

A statement of findings and decision shall be provided to all applicants by mail upon completion of the evaluation of competitive purchase of service proposals.

Any agreement arising out of this solicitation is subject to the approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order or other directive.

No work is to be undertaken by the awardee prior to the contract commencement date. The State of Hawaii is not liable for any costs incurred prior to the official starting date.

XIX. Protests

Any applicant may file a protest against the awarding of the contract. The Notice of Protest form, SPO-H-801, is available on the SPO website. (See

paragraph II, Website Reference.) Only the following matters may be protested:

- (1) A state purchasing agency's failure to follow procedures established by Chapter 103F of the Hawaii Revised Statutes;
- (2) A state purchasing agency's failure to follow any rule established by Chapter 103F of the Hawaii Revised Statutes; and
- (3) A state purchasing agency's failure to follow any procedure, requirement, or evaluation criterion in a request for proposals issued by the state purchasing agency.

The Notice of Protest shall be postmarked by USPS or hand delivered to 1) the head of the state purchasing agency conducting the protested procurement and 2) the procurement officer who is conducting the procurement (as indicated below) within five working days of the postmark of the Notice of Findings and Decision sent to the protestor. Delivery services other than USPS shall be considered hand deliveries and considered submitted on the date of actual receipt by the state purchasing agency.

Head of State Purchasing Agency	Procurement Officer
Name: Lillian B. Koller	Name: Edwin Igarashi
Title: Director	Title: Procurement Officer
Mailing Address: P.O. Box 339 Honolulu, HI 96813	Mailing Address: P.O. Box 339 Honolulu, HI 96813
Business Address: 1390 Miller Street, Liliuokalani Building, Rm. 209 Honolulu, HI 96813	Business Address: 1390 Miller Street, Liliuokalani Building, Rm. 209 Honolulu, HI 96813

XX. Availability of Funds

The award of a contract and any allowed renewal or extension thereof, is subject to allotments made by the Director of Finance, State of Hawaii, pursuant to Chapter 37, HRS, and subject to the availability of State and/or Federal funds.

XXI. Monitoring and Evaluation

The criteria by which the performance of the contract will be monitored and evaluated are:

- (1) Performance/Outcome Measures
- (2) Output Measures
- (3) Quality of Care/Quality of Services
- (4) Financial Management

(5) Administrative Requirements

XXII. General and Special Conditions of Contract

The general conditions that will be imposed contractually are on the SPO website. (See paragraph II, Website Reference). Special conditions may also be imposed contractually by the state purchasing agency, as deemed necessary.

XXIII. Cost Principles

In order to promote uniform purchasing practices among state purchasing agencies procuring health and human services under Chapter 103F, HRS, state purchasing agencies will utilize standard cost principles outlined in Form SPO-H-201 which is available on the SPO website (see paragraph II, Website Reference). Nothing in this section shall be construed to create an exemption from any cost principle arising under federal law.

Section 2

Service Specifications

Section 2

Service Specifications

I. Introduction

A. Overview, purpose or need

The Temporary Assistance for Needy Families (TANF) federal block grant is intended to help families achieve self-sufficiency. TANF, as defined by the U. S. Department of Health and Human Services, has four purposes:

1. To provide assistance to needy families;
2. To end dependence of needy parents by promoting job preparation, work and marriage;
3. To prevent and reduce out-of-wedlock pregnancies; and
4. To encourage the formation and maintenance of two-parent families.

The U. S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (ACF) has issued a guidance document entitled "Helping Families Achieve Self-Sufficiency: A Guide on Funding Services for Children and Families through the TANF Program" (ACF TANF Guidance). The ACF TANF Guidance encourages the States to use TANF flexibly and in innovative ways to achieve the above-stated TANF goals.

In support of TANF purpose one and four, the State of Hawaii, Department of Human Services (DHS), Benefit, Employment and Support Services Division (BESSD), Employment and Child Care Program Office are requesting proposals from qualified applicants to provide a Parenting Skills and Resource Management Training program for two parent families and other low income families at or below 500% FPL who have harmed or are at risk of harming their children who may volunteer for services or be mandated to participate.

Families identified as at-risk are those with parents whose circumstances and life experiences render them ill equipped to provide a nurturing home. The children are often an increased risk for sub-optimal health, neglect and maltreatment. Research indicates this problem is a serious threat to the lives of children today and will have tremendous impact on the lives of adults in the future. In Hawaii the incidence of confirmed child maltreatment increased by thirty-four percent (34%) from 2000-2003 (Department of Human Services' Annual Reports). The major precipitating factors of child maltreatment include an inability to cope with parenting problems and life stresses such as inadequacies in income and housing, substance use, mental health issues and family violence including intimate partner abuse. For such families, Parenting

and Resource Management Skills training can provide a culturally sensitive and coordinated system of family strengthening support focused on prevention and early intervention of child maltreatment.

B. Planning activities conducted in preparation for this RFP

A Request for Information (RFI) Public Notice was published and posted on the State of Hawaii, State Procurement Office (SPO) website on February 1, 2008 at the following website address:

www4.hawaii.gov/bidfiles/RFI%20903-08-04-S%20Specified%20Geographic%20Locations%20v2.htm

The posting attempted to solicit feedback from the general public on the services to be procured. One written response was submitted and where applicable the recommendations have been incorporated in to this solicitation.

C. Description of the goals of the service

The Department of Human Services is seeking qualified private, community or faith based applicants to provide comprehensive parenting education services that will address issues such as but not limited to anger management, positive discipline, child development, effective communication, child safety, conflict resolution, resource management, proper nutrition and the effects of domestic violence on children. Proposals should clearly describe how services are intended to directly impact the issues related to positive parenting, prevention of child abuse and neglect and how they will contribute to accomplishing the following objectives:

- 1) Reduce the incidence of child maltreatment and entrance into the Child Welfare system.
- 2) Reduce the number of families re-entering the Child Welfare system.
- 3) Increase self-sufficiency through resource management (time, financial, stress and family) training.
- 4) Provide culturally competent environments in which participants will be encouraged to participate in and complete the Parenting Skills and Resource Management training.

D. Description of the target population to be served

The population to be served includes two parent families and other low income families at or below 500% FPL who have harmed or are at risk of

harming their children who may volunteer for services or be mandated to participate.

E. Geographic coverage of service

The request is for statewide services. The applicant shall propose a plan to offer services in at least 19 community sites on the Islands of Oahu, Maui, Kauai, Hawaii, Molokai and Lanai.

F. Probable funding amounts, source, and period of availability

1. Funding for this procurement is expected to be federal funds through the State's federal TANF Block Grant allocation, CFDA 93.575. The maximum amount of funding for this contract period (July 1, 2008-June 30, 2009) is \$500,000. The Department reserves the right to change the funding amounts and source, based on future service needs, after affording the Provider 30 days notice, for the duration of this contract and any Supplemental Agreement(s).
2. DHS reserves the right to make modifications to the scope of services and in the funding amounts that it is unable to anticipate at this time. There may be unique circumstances, not limited to federal grants, which require these modifications be made to continue or to improve services. Additionally, DHS reserves the right to add in additional funds or decrease funds at its discretion.

II. General Requirements

A. Specific qualifications or requirements, including but not limited to licensure or accreditation

The applicant shall comply with the Chapter 103F, HRS Cost Principles for Purchases of Health and Human Services identified in SPO-H-201 (Effective 10/1//98), which can be found on the SPO website (See Section 5, POS Proposal Checklist, for the website address.)

B. Secondary purchaser participation
(Refer to §3-143-608, HAR)

After-the-fact secondary purchases will be allowed.

Planned secondary purchases None

C. Multiple or alternate proposals **check one**
(Refer to §3-143-605, HAR)

☐ Allowed ☒ Unallowed

D. Single or multiple contracts to be awarded **check one**
(Refer to §3-143-206, HAR)

☒ Single ☐ Multiple ☐ Single & Multiple

Criteria for multiple awards:

E. Single or multi-term contracts to be awarded **check one**
(Refer to §3-149-302, HAR)

☒ Single term (≤ 2 yrs) ☐ Multi-term (> 2 yrs.)

Contract terms:

Initial term of contract: Twelve (12) months

Length of each extension: Twelve (12) months

Number of possible extensions: Three (3)

Maximum Length of contract: Four (4) Years or Forty-Eight (48) Months

The initial period shall commence on the contract start date or Notice to Proceed, whichever is later.

Conditions for extension: Extensions to the original agreement are subject to the availability of funds, continued need and provider performance. Contract extensions must be in writing and must be executed prior to expiration.

F. RFP contact person

The individual listed below is the sole point of contact from the date of release of this RFP until the selection of the successful provider or providers. Written questions should be submitted to the RFP contact person and received on or before the day and time specified in Section 1, paragraph I (Procurement Timetable) of this RFP.

Kimberly Arista: (808) 586-7090

Email: Karista@dhs.hawaii.gov

III. Scope of Work

The scope of work encompasses the following tasks and responsibilities:

A. Service Activities

(Minimum and/or mandatory tasks and responsibilities)

1. Provide culturally relevant Parenting Skills and Resource Management Training in a group format led by trained facilitators in at least 19 community sites statewide.
2. Present a minimum of twelve (12), 1.5 hour, group sessions, per site, per quarter.
3. Utilize a Parenting Skills and Resource Management curriculum that addresses, but is not limited to the following topics; communication, child safety and nutrition, nurturing routines, behavior management, conflict resolution and resource management.
4. Provide each parent participant with curriculum workbooks and relevant resource material.
4. Incorporate procedures and strategies to motivate families to continue and complete recommended program dosage.
5. Provide program activities to engage the entire family in formulating stronger bonds and enhanced communication.
6. In each contract year, a minimum of 500 parents are to be served.
7. Develop a system for monitoring parent participation and outcomes.
8. Develop a home visitation component to support and reinforce parenting skills learned in the group class for families as needed.

B. Management Requirements (Minimum and/or mandatory requirements)

1. Personnel

- a. Provide for 1 Program Coordinator who meets the following qualifications:
 - Master's Degree in social/behavioral sciences, family studies, public health, education or related field.
 - Three (3) years of specialized experience in the field of behavioral science to include the delivery of parenting skills and family life education
 - Three (3) years of supervisory, training and fiscal management experience.

- Comprehensive knowledge of child development, family guidance, and parenting skills development.
- b. The applicant shall develop policies that describe the grounds and circumstances for denial of employment or termination of current employees who have been found to have convictions or pending charges upon completion of any criminal history check or other investigation.
- c. The applicant shall have written personnel policies covering selection of staff, salaries, fringe benefits, leaves, job descriptions, and minimum qualifications of each position. Staff salaries shall be sufficiently competitive to recruit and retain qualified staff.
- d. The applicant shall propose a staffing pattern relevant to the delivery of service in accordance with the Scope of Work. The applicant shall also provide job descriptions and minimum qualifications for each proposed position.
- e. The applicant shall propose a training plan to ensure that all staff is adequately trained to provide required services.
- f. The applicant shall ensure that employees and volunteers do not have a criminal history or background that poses a risk to children.

2. Administrative

- a. The applicant is required to maintain detailed records of families, program activities, and personnel in addition to maintaining an accounting system and financial records to accurately account for the funds awarded. Funds shall be budgeted and expended in accordance with applicable state and/or federal cost principles.
- b. The applicant shall be required to comply with applicable provisions and mandates of the Health Insurance Portability and Accountability Act (HIPAA) of 1996. The HIPAA regulates how individually identifiable health (medical and mental health) information is handled to ensure confidentiality.
- c. The applicant may not charge families more than a token amount for program services.
- d. Subcontracting arrangements may be allowed if the applicant is unable to provide components of the requested services directly. Copies of draft subcontract agreements must be submitted as an attachment to the proposal. All subcontracts must follow the pricing structure and all other requirements of this RFP.

3. Quality assurance and evaluation specifications

All contracts shall be monitored by the State in accordance with requirements set forth by Chapter 103F, Hawaii Revised Statutes. Contract monitoring shall include:

- a. The review of amendments and approvals, deemed appropriate by the State, of the contract's program items, especially the outputs and outcomes performance measures, the assurance of collaboration, quarterly program reports, and other documents submitted to the State.
- b. Periodic site visits, scheduled and unscheduled, with comprehensive written evaluation of the major program service areas, such as:
 - 1) Staff qualification, organization, and effectiveness.
 - 2) Outcomes planning, implementation, and evaluation.
 - 3) Collaboration.
 - 4) File maintenance and record keeping.
 - 5) Facility accessibility, suitability and safety.
 - 6) Transportation and other liability issues.
 - 7) Consumer satisfaction.
- c. The Awardees shall allow the State access to all materials, files, and documents relating to the provision of services.
- d. The Awardees shall have a quality assurance plan in place that assesses the extent to which the program objectives have been met.

4. Output and performance/outcome measurements

As a means toward achieving the goals of services DHS requires that applicant if awarded shall track and report output and outcome measurements, including but not limited to, the following items:

- a. Activity Milestones (e.g. hire staff, train staff, other);
- b. Significant Outputs (e.g. service delivery, capacity, outreach, enrollment, attendance, customer satisfaction and other);

- c. Significant Immediate Outcomes (outcomes obtained immediately as a direct result of program participation and involve changes in one or more of the following: knowledge, attitudes/beliefs, skill acquisition, behavior and relationships);
- d. Implementation Issues and Concerns;
- e. Significant Stories.

5. Experience

The applicant shall have the necessary skills, abilities and knowledge of the requested services and a minimum of three (3) years experience relating to the delivery of the proposed services. The applicant shall also explain any relevant experience with State of Hawaii contracts relating to the delivery of the proposed services with in the last five (5) years.

6. Coordination of services

The applicant shall demonstrate the capability to coordinate services with other agencies and resources within the community.

7. Reporting requirements for program and fiscal data

Program Reporting Requirements:

The applicant if awarded shall be required to prepare and provide quarterly and annual program reports to the department that shall comprise of, but is not limited to, the following items:

- a. Activity Milestones (e.g. hire staff, train staff, other);
- b. Significant Outputs (e.g. service delivery, capacity, outreach, enrollment, attendance, customer satisfaction and other);
- c. Significant Immediate Outcomes (outcomes obtained immediately as a direct result of program participation and involve changes in one or more of the following: knowledge, attitudes/beliefs, skill acquisition, behavior and relationships);
- d. Implementation Issues and Concerns;
- f. Significant Stories.

Fiscal Reporting Requirements:

The applicant if awarded shall be required to submit monthly expenditure reports on the DHS Sub grantee Invoice and Expenditure Report (SIER) form.

8. Pricing structure or pricing methodology to be used

This is a cost reimbursement type contract. The cost reimbursement pricing structure reflects a purchase arrangement in which the State pays the contractor for budgeted costs that are actually incurred in delivering the services specified in the contract, up to a stated maximum obligation. The cost reimbursement may be subject to verification.

Public Law 104-193, the federal law governing TANF, provides that "A State to which a grant is made under section 403 shall not expend more than 15 percent of the grant for administrative purposes"¹ The "Administrative Cost" means "costs necessary for the proper administration of the TANF program... It includes costs for the general administration and coordination of these programs, including indirect (or overhead) costs."² The federal clarification provides that the administrative costs incurred by sub grantees, contractors, community service providers, and third parties to be part of the administrative cost cap and that such costs would be determined in the same way as agency costs.

9. Units of service and unit rate

Not applicable

10. Method of compensation and payment

Payments shall be made in monthly installments upon the monthly submission by the Provider of the Sub grantee's Invoice and Expenditure Report (hereinafter SIER) in triplicate (an original and two copies). The invoices shall include the Provider's name shown in the Agreement, the Agreement number, and a detailed breakdown of Provider's charges.

The monthly installments shall be determined by the State on a cost reimbursement basis. The SEIR shall contain expenditures actually incurred for the performance of the services and a certification of compliance for the preceding month.

Final settlement shall include submission and acceptance of all reports and other materials to be submitted by the Provider to the State, resolution of

¹ Personal Responsibility and Work Reconciliation Act of 1996, §404(b), Pub. L. No. 104-193, 110 Stat. 2124(codified as amended in 42 U.S.C.604)

² Federal Register, Vol. 64, No. 69 (1999), Rules and Regulations, VIII. Part 263 (pp 17808-17814), Expenditures of State and Federal TANF Funds.

all discrepancies in performance of services, completion of all other outstanding matters, and receipt of tax clearances.

Compensation shall be based upon the approved budget(s) for July 1, 2008 to June 30, 2009.

IV. Facilities

Facilities shall be adequate relative to the proposed services and be accessible to all seeking services.

Section 3

Proposal Application Instructions

Section 3

Proposal Application Instructions

General instructions for completing applications:

- *Proposal Applications shall be submitted to the state purchasing agency using the prescribed format outlined in this section.*
- *The numerical outline for the application, the titles/subtitles, and the applicant organization and RFP identification information on the top right hand corner of each page should be retained. The instructions for each section however may be omitted.*
- *Page numbering of the Proposal Application should be consecutive, beginning with page one and continuing through for each section. See sample table of contents in Section 5.*
- *Proposals may be submitted in a three ring binder (Optional).*
- *Tabbing of sections (Recommended).*
- *Applicants must also include a Table of Contents with the Proposal Application. A sample format is reflected in Section 5, Attachment B of this RFP.*
- *A written response is required for **each** item unless indicated otherwise. Failure to answer any of the items will impact upon an applicant's score.*
- *Applicants are **strongly** encouraged to review evaluation criteria in Section 4, Proposal Evaluation when completing the proposal.*
- *This form (SPO-H-200A) is available on the SPO website (see Section 1, paragraph II, Website Reference). However, the form will not include items specific to each RFP. If using the website form, the applicant must include all items listed in this section.*

The Proposal Application comprises the following sections:

- *Proposal Application Identification Form*
- *Table of Contents*
- *Program Overview*
- *Experience and Capability*
- *Project Organization and Staffing*
- *Service Delivery*
- *Financial*
- *Other*

I. Program Overview

Applicant shall give a brief overview to orient evaluators as to the program/services being offered.

II. Experience and Capability

A. Necessary Skills

The applicant shall demonstrate that it has the necessary skills, abilities, and knowledge relating to the delivery of the proposed services.

B. Experience

The applicant shall provide a description of projects/contracts pertinent to the proposed services. The applicant shall include points of contact, addresses, email/phone numbers. The State reserves the right to contact references to verify experience.

C. Quality Assurance and Evaluation

The applicant shall describe its own plans for quality assurance and evaluation for the proposed services, including methodology.

D. Coordination of Services

The applicant shall demonstrate the capability to coordinate services with other agencies and resources in the community by submitting letters of agreement or other formal contracts.

E. Facilities

The applicant shall provide a description of its facilities and demonstrate its adequacy in relation to the proposed services. If facilities are not presently available, describe plans to secure facilities. Also describe how the facilities meet ADA requirements, as applicable and special equipment that may be required for the services.

III. Project Organization and Staffing

A. Staffing

1. Proposed Staffing

The applicant shall describe the proposed staffing pattern, client/staff ratio and proposed caseload capacity appropriate for the viability of the services. (Refer to the personnel requirements in the Service Specifications, as applicable.)

2. Staff Qualifications

The applicant shall provide the minimum qualifications (including experience) for staff assigned to the program. (Refer to the qualifications in the Service Specifications, as applicable)

B. Project Organization

1. Supervision and Training

The applicant shall describe its ability to supervise, train and provide administrative direction relative to the delivery of the proposed services.

2. Organization Chart

The applicant shall reflect the position of each staff and line of responsibility/supervision. (Include position title, name and full time equivalency) Both the "Organization-wide" and "Program" organization charts shall be attached to the Proposal Application.

IV. Service Delivery

Applicant shall include a detailed discussion of the applicant's approach to applicable service activities and management requirements from Section 2, Item III. - Scope of Work, including (if indicated) a work plan of all service activities and tasks to be completed, related work assignments/responsibilities and timelines/schedules.

Refer to Section II

V. Financial

A. Pricing Structure

Applicant shall submit a cost proposal utilizing the pricing structure designated by the state purchasing agency. The cost proposal shall be attached to the Proposal Application.

Pricing Structure Based on Cost Reimbursement

The cost reimbursement pricing structure reflects a purchase arrangement in which the State pays the contractor for budgeted costs that are actually incurred in delivering the services specified in the contract, up to a stated maximum obligation. The cost reimbursement may be subject to verification.

All budget forms, instructions and samples are located on the SPO website (see Section 1, paragraph II Websites referred to in this RFP). The following budget form(s) shall be submitted with the Proposal Application:

SPO-H-205 Budget
SPO-H-205A Budget – Organization – Wide by Source of Funds
SPO-H-205B Budget – Organization – Wide by Source of
Programs
SPO-H-206A Budget Justification – Personnel: Salaries & Wages
SPO-H-206B Budget Justification – Personnel : Payroll Taxes,
Assessment & Fringe Benefits
SPO-H-206C Budget Justification – Travel: Inter-island
SPO-H-206E Budget Justification – Contractual Services:
Administrative
SPO-H-206F Budget Justification – Sub-contract
SPO-H-206G Budget Justification – Depreciation
SPO-H-206H Budget Justification – Program Activities
SPO-H-206I Budget Justification – Equipment Purchases
SPO-H-206J Budget Justification – Motor Vehicle

All budget forms, instructions and samples are located on the SPO website (see Section 1, paragraph II Websites referred to in this RFP). The following budget form(s) shall be submitted with the Proposal Application:

B. Other Financial Related Materials

1. Accounting System

In order to determine the adequacy of the applicant's accounting system as described under the administrative rules, the following documents are requested as part of the Proposal Application (may be attached):

Audit Report (most recent)

Tax Clearance Certificate (Form A-6)-An original or certified copy of a current (within 3 months), valid tax clearance certificate issued by the Hawaii State Department of Taxation(DOTAX) and the Internal Revenue Service (IRS) shall be submitted with the proposal by the due date and time. The two-part Tax Clearance Application (Form A-6) that combines DOTAX and IRS tax clearance of certificate of vendor compliance shall be used for this purpose.

VI. Other

A. Litigation

The applicant shall disclose any pending litigation to which they are a party, including the disclosure of any outstanding judgment. If applicable, please explain.

Section 4

Proposal Evaluation

Section 4

Proposal Evaluation

I. Introduction

The evaluation of proposals received in response to the RFP will be conducted comprehensively, fairly and impartially. Structural, quantitative scoring techniques will be utilized to maximize the objectivity of the evaluation.

II. Evaluation Process

The procurement officer or an evaluation committee of designated reviewers selected by the head of the state purchasing agency or procurement officer shall review and evaluate proposals. When an evaluation committee is utilized, the committee will be comprised of individuals with experience in, knowledge of, and program responsibility for program service and financing.

The evaluation will be conducted in three phases as follows:

- Phase 1 - Evaluation of Proposal Requirements
- Phase 2 - Evaluation of Proposal Application
- Phase 3 - Recommendation for Award

Evaluation Categories and Thresholds

Evaluation Categories

Possible Points

Administrative Requirements

Proposal Application

100 Points

Program Overview	0 points
Experience and Capability	20 points
Project Organization and Staffing	15 points
Service Delivery	55 points
Financial	10 Points

TOTAL POSSIBLE POINTS

100 Points

III. Evaluation Criteria

A. Phase 1 - Evaluation of Proposal Requirements

1. Administrative Requirements

2. Proposal Application Requirements

- Proposal Application Identification Form (Form SPO-H-200)
- Table of Contents
- Program Overview
- Experience and Capability
- Project Organization and Staffing
- Service Delivery
- Financial (All required forms and documents)
- Program Specific Requirements (as applicable)

B. Phase 2 - Evaluation of Proposal Application (100 Points)

Weighted points (0-5) for each sub-area will be given. The sum of weighted points given by the evaluators in all areas of each section will be divided by the maximum weighted points that could be allotted for that area. This quotient will be multiplied by the points assigned to each area, which is noted in parenthesis. The product will be the score for that area.

The weighted points awarded for each sub-area of evaluation shall be derived from a rating scale of 0 to 5:

- 5= Very Satisfactory
- 4= More than Satisfactory
- 3= Satisfactory
- 2= Less than satisfactory
- 1= Unsatisfactory
- 0= Not addressed (no credit)

Program Overview: No points are assigned to Program Overview. The intent is to give the applicant an opportunity orient evaluators as to the service(s) being offered.

1. Experience and Capability (20 Points)

The State will evaluate the applicant's experience and capability relevant to the proposal contract, which shall include:

A. Necessary Skills

- Demonstrated skills, abilities, and knowledge relating to the delivery of the proposed services.

-

B. Experience

- Description of projects/contracts implemented in the past 5 years that are pertinent to the proposed services

C. Quality Assurance and Evaluation

- Sufficiency of quality assurance and evaluation plans for the proposed services, including methodology.

-

D. Coordination of Services

- Demonstrated capability to coordinate services with other agencies and resources in the community.

-

E. Facilities

- Adequacy of facilities relative to the proposed services.

-

2. *Project Organization and Staffing (15 Points)*

The State will evaluate the applicant's overall staffing approach to the service that shall include:

A. *Staffing*

- Proposed Staffing: That the proposed staffing pattern, client/staff ratio, and proposed caseload capacity is reasonable to insure viability of the services.
- Staff Qualifications: Minimum qualifications (including experience) for staff assigned to the program.

B. *Project Organization*

- Supervision and Training: Demonstrated ability to supervise, train and provide administrative direction to staff relative to the delivery of the proposed services.
- Organization Chart: Approach and rationale for the structure, functions, and staffing of the proposed organization for the overall service activity and tasks.

3. *Service Delivery (55 Points)*

- Describe the overall program content and design.
- Demonstrates an understanding of the various service activities and sequence of events.
- Presents evidence of cooperation and collaboration, and willingness to follow DHS requirements, policies and procedures.
- Demonstrates an understanding of the target group.
- Demonstrates knowledge of handling customer service

and complaints.

- Provides for public relations and community collaboration.
- Describes staff/program management activities.
- Describes the logic of the work plan for the major service activities and tasks to be completed, including work assignments, responsibilities and timelines.

5. *Financial (10 Points)*

Pricing structure is based on cost reimbursement:

- Personnel costs are reasonable and comparable to positions in the community.
- Non-personnel costs are reasonable and adequately justified. The budget fully supports the scope of service and requirements of the Request for Proposal.
- Adequacy of accounting system.

C. Phase 3 - Recommendation for Award

Each notice of award shall contain a statement of findings and decision for the award or non-award of the contract to each applicant.

Section 5

Attachments

- A. Proposal Application Checklist
- B. Sample Table of Contents
- C. Special Conditions

Proposal Application Checklist

Applicant: _____

RFP No.: _____

The applicant's proposal must contain the following components in the order shown below. This checklist must be signed, dated and returned to the purchasing agency as part of the Proposal Application. SPOH forms are on the SPO website. See Section 1, paragraph II Website Reference.*

Item	Reference in RFP	Format/Instructions Provided	Required by Purchasing Agency	Completed by Applicant
General:				
Proposal Application Identification Form (SPO-H-200)	Section 1, RFP	SPO Website*	X	
Proposal Application Checklist	Section 1, RFP	Attachment A	X	
Table of Contents	Section 5, RFP	Section 5, RFP	X	
Proposal Application (SPO-H-200A)	Section 3, RFP	SPO Website*	X	
Tax Clearance Certificate (Form A-6)	Section 1, RFP	Dept. of Taxation Website (Link on SPO website)*	X	
Cost Proposal (Budget)			X	
SPO-H-205	Section 3, RFP	SPO Website*	X	
SPO-H-205A	Section 3, RFP	SPO Website* Special Instructions are in Section 5	X	
SPO-H-205B	Section 3, RFP,	SPO Website* Special Instructions are in Section 5	X	
SPO-H-206A	Section 3, RFP	SPO Website*	X	
SPO-H-206B	Section 3, RFP	SPO Website*	X	
SPO-H-206C	Section 3, RFP	SPO Website*	X	
SPO-H-206D	Section 3, RFP	SPO Website*	X	
SPO-H-206E	Section 3, RFP	SPO Website*	X	
SPO-H-206F	Section 3, RFP	SPO Website*	X	
SPO-H-206G	Section 3, RFP	SPO Website*	X	
SPO-H-206H	Section 3, RFP	SPO Website*	X	
SPO-H-206I	Section 3, RFP	SPO Website*	X	
SPO-H-206J	Section 3, RFP	SPO Website*	X	
Certifications:				
Federal Certifications		Section 5, RFP		
Debarment & Suspension		Section 5, RFP		
Drug Free Workplace		Section 5, RFP		
Lobbying		Section 5, RFP		
Program Fraud Civil Remedies Act		Section 5, RFP		
Environmental Tobacco Smoke		Section 5, RFP		
Program Specific Requirements:				
Organization Chart	Section 3, RFP		X	
Audit Report	Section 3, RFP		X	

Authorized Signature

Date

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SPECIAL CONDITIONS

1. **Insurance.** Paragraph 1.4, Insurance Requirements, General Conditions, is modified and the PROVIDER agrees to the following:

In order to protect the PROVIDER as well as the State of Hawaii, the STATE, and their officers, employees, and agents covered under the indemnification provision in this Agreement, the PROVIDER shall obtain and keep in force throughout the period of this Agreement the following insurance:

Automobile liability insurance for automobiles owned or leased by the PROVIDER and used to carry out services specified in this Agreement shall be obtained from a company authorized to do business in the State, or meet Section 431:8-301, Hawaii Revised Statutes if utilizing an insurance company not licensed by the State of Hawaii, and complying with the Hawaii No Fault Insurance Law. The amount shall be at least ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) combined single limit with respect to bodily injury and property damage. The PROVIDER's policy shall name the STATE, the State of Hawaii and their officers, agents, servants or employees as additional insured. Prior to or upon execution of this Agreement, the PROVIDER shall furnish the STATE with a Certificate of Insurance, verifying the existence of such insurance. Such certificate shall also expressly provide that such insurance shall not be canceled unless the insurance company has first given to the STATE thirty (30) calendar days' written notice of the intended cancellation.

If the PROVIDER is authorized by the STATE to subcontract, subcontractor(s) is not excused from the Indemnification and/or Insurance provisions of this Agreement. The PROVIDER agrees to require its subcontractor(s) to obtain insurance in order to indemnify the STATE.

Failure of the PROVIDER to provide and keep in force such insurance shall be regarded as material default under this Agreement, entitling the STATE to exercise any or all of the remedies provided in this Agreement for default of the PROVIDER.

The procuring of such required policy or policies of insurance shall not be construed to limit the PROVIDER's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement. Notwithstanding said policy or policies of insurance, the PROVIDER shall be obliged for the full and total amount of any damage, injury, or loss caused by the negligent act or omission of the PROVIDER or its authorized representatives.

2. **Confidential Information.** In addition to Paragraph 2.1, Confidentiality of Material, General Conditions, the PROVIDER further agrees to the following:

All information and records about or for the clients served, secured from clients, the STATE, or any other individuals or agencies by the PROVIDER, or prepared by the PROVIDER for the STATE, in satisfaction of this Agreement, shall be confidential and shall not be made available to any individual or organization by the PROVIDER without prior written approval

of the STATE, subject to provisions of applicable State of Hawaii and Federal statutes, and State of Hawaii Administrative Rules. To ensure the confidentiality of all such information and records, the PROVIDER shall immediately notify the STATE when inquiries for information, including subpoenas are made to the PROVIDER. The PROVIDER shall submit copies of all written requests for information, as well as subpoenas, to the STATE.

3. **Maintain Records.** In addition to Paragraph 2.3, Records Retention, General Conditions. The PROVIDER further agrees as follows:

The PROVIDER shall maintain statistical, clinical, and administrative records pertaining to services of this Agreement. The records shall be subject at all reasonable times to inspection or review by the STATE or Federal representatives directly connected with the program area under this Agreement. All records shall be retained and made accessible for a minimum of six years after the date of submission of the PROVIDER's final report to the STATE; provided that, in the event any litigation, claim, negotiation, investigation, audit, or other action involving the records has been started before the expiration of the 6-year period, the PROVIDER shall retain the records until completion of the action and resolution of all issues that arise from it or until the end of the regular 6-year retention period, whichever occurs later.

4. **Equipment.** All equipment purchased with contract funds under this Agreement including items of personal property, as distinguished from real property, that has an acquisition cost of \$250.00 or more per item and with an expected life of more than one year, shall remain the property of the STATE. All equipment purchased with contract funds must have prior approval from the STATE before purchase to be allowable. Following the Agreement period, all equipment shall be reported in the final fiscal report to the STATE. Disposition of said equipment shall be prescribed by the STATE.
5. **Publications.** The PROVIDER shall submit all reports and written publications resulting from this Agreement for review, comment and approval prior to publication. Any publications (written, visual or sound), whether published at the PROVIDER's or STATE's expense, shall contain the following statements (Note: This excludes press releases, newsletters, and issue analyses):

This project was supported by an Agreement from the Department of Human Services, State of Hawaii (and if applicable, the name and federal award number of a federal grant funding the contract).

The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Human Services (and if applicable, the federal grant agency).

6. **HIPAA.** In this Agreement "HIPAA" means the Administrative Simplification provisions of the *Health Insurance Portability and Accountability Act of 1996*, Pub. L. No. 104-191. PROVIDER is a "health care provider" under HIPAA. A "covered entity" is a health care